

REMARKS

An interview is requested prior to the next Official Action. It is respectfully requested that the undersigned attorney by contacted by telephone to arrange the interview.

Claim Objections

Claims 1, 5, and 7 were objected to because of the informalities, i.e., the use of "drawing labels".

The claims have been amended to remove the "drawing labels".

The claims have been to clarify the independent claims by including the requirement that in broadcasting into a network the license number of a media file from a user agent program at initialization, any user agent which recognizes the license number as identical and responds to the initializing instance will be commanded to halt.

Claims 4 and 10 have been cancelled and that subject matter inserted into claims 1 and 8, respectively.

No new matter is entered by these amendments.

Claim Rejections - 35 USC § 103

Claims 1-4 and 6-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan et al. (US 2004/0235521 A1, hereinafter, Pradhan) in view of Oshima et al. (US 2003/0177098 A1; hereinafter, Oshima).

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pradhan in view of Oshima as applied to claim 1, and further in view of Pearson et al. (Patent No. US 7,461,249).

Amended Claim 1

The claim recites a method executed within a network environment (a fixed network or an ad-hoc network) which includes a plurality of computers and one or more items of digital media loadable onto one or more of the computers. The claim recites that each item of digital media has an allocated license number and an associated user agent. Further, the claim recites that each user agent is programmed to (i) initialize and control the loading of the digital media, (ii) control the operation of the item of digital media, (iii) broadcast network data packets containing the allocated license number information of the digital media loaded by that user agent to the network environment, and (iv) detect network data packets containing license number information of other digital media broadcast by other user agents in others of said computers on the network environment.

In the claim a number of things are recited as happening effectively simultaneously.

Note that the claim recites "one or more items of digital media" and that each of those items of digital media has a license number, i.e., "an allocated license number".

Although the term "allocated" does not appear in the specification, this term is not new matter in that Figure 1 and the specification refers to "create ID", which one of skill would understand that the license number or ID may be pre-allocated by the supplier of that digital media, and their system may well use the original creator's license number or may allocate its own license number in order to keep track of multiple copies of a particular item of digital media within this network environment. Also see, for example, paragraph 0033 where the creation of the ID is discussed.

The claim further recites that each item of the digital media has an associated user agent, and that the operation of this user agent which allows one to run an item of digital media or not, as the case may be.

Consider the situation where the terms of a license allows any one of the computers in the network environment to play a copy of a song using Windows Media Player, but that the license allows only one instance to be played at any given time. In such a case, the present invention, as claimed in claim 1, deals with this problem by using the user agent to control the initialisation and playing of the song on one machine at a time.

If a new user were to attempt to load the song and play it on that user's machine, but another previous user in that network environment is already playing the song, that previous

user's machine will be broadcasting data packets containing the license number.

The user agent in the new user's machine will receive those broadcast data packets containing the license number and, detecting those data packets, open the data packet, inspect the license number, and if it is found to be identical to the license number of the song that the new user wishes to play, then the new user's machine will immediately halt the initialisation of the song, and in response will send out a series of different data packets containing a halt command to the previous user's computer.

When the previous user's computer receives those data packets the previous user's will then terminate the playing of the song.

In effect there is a Mexican standoff - neither machine can play the song.

In practice, one of these two users will then attempt to reload the song, and the first one to reload will be in a position to listen to the song. Alternatively, the previous user may wish to find out who the new user is who has been trying to play the song, which copy is an unauthorized copy of the song.

Note that in this scenario one does not need to know who else has been trying to play the song, or the location of their computer. It is simply enough that one has detected that someone else is already playing the song at the same time that

the new user wants to play the song, and so the new user broadcasts data packets to the network environment which will then be picked up by the various other machines and the one that has been playing the song will be effectively "told off" by detecting the license number and the halt command, and will then cease playing the song.

In view of this amended recitation of the present invention, the claims are believed to be non-obvious. Reconsideration and allowance of all the claims are therefore respectfully requested.

Turning to the rejection of claim 1 as stated in the Official Action, claim 1 is rejected primarily in relation to Pradhan.

Pradhan relates to the use of a transferable user access code allowing a media file to be played. That is, the media file cannot be played without an associated user access code. The access code is transferred to temporary storage on the media file carrier before or after the media file is placed on the carrier. The access code may be reliably transferred to some other carrier and deleted from the first.

Pradhan contains no provision for detecting the use of the user code elsewhere on the network at initialization. Paragraph [0034] refers to intermittent user authentication, not to detection on a network at initialization.

Pradhan paragraph [0028] is quoted as preventing initialization with duplicate license numbers. In fact, this paragraph relates to the transfer of rights between media to allow sharing of the media. This relates to the opposite of the detection of duplicate license numbers with the intention of preventing initialization.

Pradhan Fig. 11 Step 1120 is quoted as showing that initialization of a unique license number is allowed.

Applicant disagrees. Please see that Fig. 11 step 1120 relates to a two-step process described at [0063] where first the media card is authenticated, followed by a second step in which the access right is transmitted. It is not understood how this recitation could be shown where no media card is authenticated and no access right is transmitted.

Pradhan paragraph [0028] is again quoted as broadcasting the license number into the network.

Applicant again disagrees. At best, Pradhan discloses sending the user access right to a specific destination. Pradhan says nothing about media license numbers or broadcasting and its relevance to this portion of the claim is not apparent.

In contrast, the present invention relates to a license to a file which license is the license number of the file, not the user access code to a file. The license number is not transferrable in the absence of the media and always remains associated with the media. The license number is used in

creating a concatenated code which is utilized by a user agent program when the media is opened for playing (that is, when the user agent is initialized). This user agent program both broadcasts the license code in a packet into any network it is connected to for receiving by other user agent programs and is capable of detecting the license number in any user agent transmitted packets received from a network.

Applicant respectfully requests that the disclosure of Pradhan be re-evaluated with respect to the recitations of claim 1. Applicant believes it is clear that Pradhan does not disclose these features.

Oshima does not cure these defects.

Oshima is referred to as teaching installing a user agent having a license number.

Oshima relates to the network installation of media from a CD carrying 1000 valid IDs, and the allocation to computers in the network of one of these IDs. As part of this installation there is a check that no other computer on the network has the same ID allocated. Paragraph 0065 relates to the initialization procedure in which "the soft ID 873 of the HDD 872 is reproduced, and the soft ID 873a in the HDD 872a of another personal computer 876a on a network 876 is checked through the interface 875."

This appears to mean that the computer being initialized checks each other computer on the network by

interrogating it for the ID on its hard disk. Paragraph 0066 then specifies that when the program starts "In this case, the soft ID 873 may be sent to other personal computers through the network. This personal computer can detect illegal installation by checking duplication of the soft IDs of the personal computers.".

How this is accomplished is not specified. However, there is no disclosure of "a user agent detecting network data packets containing license number information of other such digital media including programs running on the network" as the current invention requires because the soft ID 873 is specifically sent to other computers, not broadcast, and the media program is not disclosed as going down to the data packet level.

The amended claim 1 includes the additional step, when a duplicate license instance is detected on the network, of not only not initializing the instance being invoked but also requiring the remote instance to close down.

This is clearly not disclosed.

In view of these differences, the claims are believed to be non-obvious. Reconsideration and allowance of all the claims are therefore respectfully requested.

Claim 2

Claim 2 relates to the instances of initialized programs within the network replicating packets from other

instances onwards within the network in order to reach computers more than a single network hop away.

Pradhan and Oshima do not describe any such program facility at paragraphs 0037 and 0038 of Pradhan.

The current invention finds use in ad-hoc networks where there is no central disseminating server and the number of network computers at any one time is fluid and possibly several packet replication hops away. It is noted that a system which requires the initializing computer to individually call all other computers would probably not be viable in such a situation.

With respect, applicant does not see that the recited features are taught or suggested by Pradhan and Oshima.

Claim 3

Regarding claim 3, it is not contended that the digital media has an access right key, however Pradhan 0037 and 0038 are quoted and the relevance of the decryption methods described in those paragraphs to a program running on a network as claimed in claim 3 is not clear.

Claim 4

The subject matter of claim 4, now in claim 1, concerns when a packet containing a license number identical to that of a program being initialized is received, broadcasting to the network a packet with the target being the computer running the same program with the same license number and with content being a "halt" command, receiving the halt command in the computer with

the duplicate program running the same license number, and causing the computer to shut down the running instance of the same program to terminate it.

The rejection refers to Pradhan 0034 which relates to the purchase of access rights to media which may be stored into a media card.

The relevance is not clear.

The rejection also refers to Oshima Fig. 12 and paragraph 0066. The figure and paragraph require the installation program for the media to check for the existence of the same soft ID number in another personal computer on the network and either allow the installation start or warn of the existence of the same soft ID number on another computer.

The present invention does not relate to media installation, but recites initialization of the user agent program which plays the media using the media license number among other identifiers.

Because the media resides in a computer which is intended to be able to join ad-hoc networks but which may not be in a network at installation there is no point in restricting installation of the user agent or the media. Instead, when the media is invoked by the user agent the license number is checked within any network which the computer happens to be associated with at that time. This network may not have access to the internet, so no absolute check is possible, but the user agent

does broadcast the license number (with other identifiers) so that similar user agents can check whether they are using the same license number and be required to respond.

This recitation is not the same as, and is not satisfied by, Oshima paragraph 0067 which assumes a network of known computers which can be individually queried for a soft ID on the hard drive by the installation program.

Claim 7

Regarding claim 7, the rejection asserts that Pradhan discloses the use of a user agent embedded in a multimedia file or disc.

Applicant disagrees.

Pradhan paragraph 0049 relates to the use of a user access right on the media card, not to a user agent program which acts to initialize the playing of the media and the prompting and detecting of the use of a license code elsewhere on the network.

Claim 8

Regarding claim 8, reference is made to Pradhan paragraphs 0012, 0028, and 0049, Fig. 2, and Fig. 11 and Oshima paragraphs 0003, 0005, 0014, 0060, and 0066, and Fig. 12.

Pradhan 0012 relates to a user access code, rather than to a user agent program working with a license number or code, and it relates to the installation of the user code rather than to the initialization of the program playing the media.

Pradhan 0049 relates to a player authenticating a user access right embedded on a media card in the player.

This action is not part of the invention as claimed.

Pradhan Fig. 2 step 230 relates to the installation of the user code on the media, not to any initialization of a user agent.

Pradhan Fig. 11 step 1120 again relates to the transmission of a user access right to a media to a user to allow playing the media. This bears no relation to the present invention which transfers no user access rights.

Pradhan 0028 relates to transferring user access rights between users upon payment of a fee. The applicability to the current invention is not apparent.

Oshima 0003 relates to the use of CD-ROMs and IDs on the disk. The relevance is not apparent.

Oshima 0005 relates to writing cipher information to the BCA of a CD-ROM. The relevance is not apparent.

Oshima 0014 relates to the procedure for the operation of a disk which may carry licensed information. The relevance is not apparent.

Oshima Fig. 12 relates to the installation of a soft ID from a CD to a hard disk, with a check by interrogation that no other personal computer on the network has that soft ID. The relevance is not apparent.

Oshima 0066 allows a start of a program if, when the soft ID is sent to other personal computers through the network, the starting PC does not detect an illegal installation of a duplicate soft ID on the other computers.

In contrast, the current invention is recited as broadcasting the license number in a packet as part of an ID at invocation, and does not investigate other computers. Rather, the present invention relies on other instances of the user agent program on other computers to inform a new agent if a duplicate license key is found in a packet.

The combination of the quoted figures and paragraphs from Pradhan and Oshima do not equate to the invention as claimed, or to anything which might be perceived by one skilled in the art as concerning the invocation of a user agent program on a computer which provides for a check through a network or networks by the broadcast of a packet containing a media license code and the return by a similar program on a remote computer of the detection of the same license code. The halting of the computer where the user agent discovers the duplication is also not known.

Claim 9

Regarding claim 9, it is correct that Oshima may detect the presence of a duplicate soft ID on a network computer by interrogating that computer, and Oshima 0066 does provide for a warning in some form to the remote computer.

However, the present invention provides for broadcasting the license number, possibly receiving back notice of the discovery by another computer of a duplicate, and thereby halting the invocation. The applied references do not teach these features.

In the present invention, no warning is sent, instead the user agent broadcasts a "halt" instruction which will eventually be picked up by the remote computer if it is still in the network and will cause the user agent of the remote computer to halt that instance.

Claim 5

It is contended that claim 1 as amended and claim 8 as amended remove the invention further from the ambit of Pradhan, Oshima and Pearson in that none of these refer to the broadcast of packets into the network or networks to which the computer concerned is currently connected. Oshima at best interrogates computers singly. There is no approach to the use of a user agent to close a running instance as well as the initializing instance where a duplication of license key is detected.

Summary

In summary, the amended claims are both novel and non-obvious for at least the reasons discussed above. Further, the dependent claims are allowable at least for depending from an allowable claim. Thus, allowance of all the claims is solicited.

This response is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits, are earnestly requested. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Roland E. Long, Jr./  
Roland E. Long, Jr., Reg. No. 41,949  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REL/lrs